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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,700	09/30/2003	Brian V. Belmont	042390.P16793	8134
45209	7590	12/12/2007		
INTEL/BLAKELY 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040			EXAMINER KARIKARI, KWASI	
			ART UNIT	PAPER NUMBER
			2617	
			MAIL DATE	DELIVERY MODE
			12/12/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/676,700	<b>Applicant(s)</b> BELMONT ET AL.	
	<b>Examiner</b> Kwasi Karikari	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 5, 7-9, 12, 14-16, 19, 21-23, 26 and 28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5, 7-9, 12, 14-16, 19, 21-23, 26 and 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/19/2007 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 1,2,4,5,8,9,11,12,15,16,18,21-23,25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simpson (U.S 20040266399 A1), (hereinafter Simpson) in view of French-St. George et al., (6,122,348), (hereinafter George).**

**Regarding claims 1,8,15 and 22,** Simpson discloses a method /data processing device/article/system for managing an incoming call on a cell phone (= wireless telephone 100) comprising:

retrieving information in addition to a caller ID associated with the incoming call (= calling number or Caller ID is displayed in the display 102, see Page 3, line 0022);

examining one of predefined preferences (= personal announcement option/ list of announcement action, see Pars. 0007 and 0016-17) of a user of the cell phone and real-time instructions (= e.g., I am in the meeting right now, see Pars. 0016) from the user, wherein examining includes determining whether a configuration is set such that a response is automatically sent to the incoming call (= user may select an announcement option; and telephone automatically answers incoming call, see Pars. 0016-17) and

managing the incoming call according to the one of the predefined preferences (= user may select an announcement option; and telephone automatically answers incoming call, see Pars. 0016-17) and the real-time instructions, wherein the one of the predefined preferences and the real-time instructions includes at least one of forwarding the incoming call, requesting a

sender of the incoming call to send an instant message, and responding to the incoming call with a voice message (= personalized announcement, e.g., I am in the meeting right now, see Pars. 0016).

Simpson fails to mention "receiving notification of an incoming of the incoming call on a personal data processing device **external** to the cell phone, the personal data processing device coupled to the cell phone via a connection".

However, George teaches a detection of an alert from an incoming call when user is on the computer (= see the call alert process on col. 4, lines 42-56, col. 6, line 58- col. 7, lines 41 and Fig. 2; whereby the computer is being associated with the "personal data processing device). George also shows the communication links between the source devices 105 and the terminal devices 110 via the server 115 (see Fig. 1).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of George and Simpson for the benefit of achieving a communication system that uses multiple media options to manage incoming communication event (see Abstract).

**Regarding claims 2,9,16 and 23**, Simpson further discloses a method according to claims 1,8,15 and 22 wherein retrieving the information associated with the incoming call further comprises at least one of: retrieving the information from the cell phone (= wireless telephone displays the Caller ID in the display, see Page 2, line 0016); retrieving the information from the data processing device; and retrieving the information from a source coupled to the data processing device.

**Regarding claims 5,12,19,26**, Simpson further discloses a method according to claim 1,8,15 and 22 wherein responding to the incoming call with the voicemail message further comprises selecting one of a plurality of voicemail messages as the appropriate response (= the wireless telephone user can select a specific voice mail announcement or a general announcement that allows wireless phone to answer on his/her behalf, see Page 2, line 0016).

**3. Claims 7,14, 21 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simpson in view of George and further in view of Ihara et al., (U.S 20040185915 A1), (hereinafter Ihara).**

Regarding **claims 7, 14, 21 and 28**, the combination of Simpson and George fail to teach according to claims 1,8,15 and 22 wherein the signal is an Attention Command ("AT") signal.

Ihara teaches a silent alerting capability for a Bluetooth hand-free device (see Page 1, line 0004). Ihara further discloses that the user answer at Fig. 3, item 328 initiates an "attention" command or "AT" command from HF device to AG device, see Page 3, line 0025).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Ihara with Simpson and George for the benefit of achieving a silent alert communication system.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Rogers et al., (U.S. 5,946,386)** teaches a call management system with call control from user workstation computer.

**Robinson et al., (U.S. 5,581,604)** teaches a method and apparatus for processing an incoming call in a communication system.

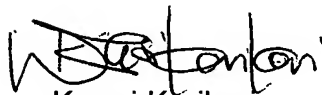
**McConnell (U.S. 6,418,306)** teach a common message waiting notification across landline and wireless telecommunications networks.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwasi Karikari whose telephone number is 571-272-8566. The examiner can normally be reached on M-F (8 am - 4pm). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Pérez-Gutiérrez can be reached on 571-272-7915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8566. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197

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(toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Kwasi Karikari  
Patent Examiner  
11/28/2007



CHARLES N. APPIAH  
SUPERVISORY PATENT EXAMINER